

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ARMSTRONG KNIGHT

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§
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§
§

PETITIONER

v.

CAUSE NO. 1:06CV1112LG-JMR

PRESTON GOFF

RESPONDENT

**ORDER ADOPTING REPORT AND RECOMMENDATION
GRANTING RESPONDENT'S MOTION TO DISMISS**

This cause comes before the Court on the Report and Recommendation of Chief United States Magistrate Judge John M. Roper entered in this cause on May 3, 2007. Magistrate Judge Roper reviewed the Respondent's Motion to Dismiss for Failure to Exhaust Available Administrative Remedies [18-1] and determined that it should be granted. The Petitioner has not filed an objection to the Report and Recommendation. After review of this matter, the Court, being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation of Chief United States Magistrate Judge John M. Roper entered in this cause on May 3, 2007 [22] should be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that Respondent's Motion to Dismiss for Failure to Exhaust Available Administrative Remedies [18-1] is **GRANTED**. Petitioner's Petition pursuant to 28 U.S.C. § 2254 is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies.

SO ORDERED AND ADJUDGED this the 30th day of May, 2007.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE